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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.773 OF 2007
IN
NOTICE OF MOTION NO.3006 OF 2007
IN
S.C. SUIT NO.3225 OF 2007

Abhyudaya Co-op. Bank Ltd. ...Appellant
V/s.
Naresh Rajwani & Ors. ...Respondents

Mr.S.G. Anney with Mr.Rafiq, Advocates, for the Appellant.

Mr.S.U. Kamdar with Ms.Sandhya Jain, Advocates, i/b. J.G. Shukla, for Respondent Nos.1 to 3.

CORAM : ABHAY S. OKA, J.
DATE : 1ST NOVEMBER, 2007.

P.C.:

1. Admit. Advocate for the respondents waives service. Taken up for hearing forthwith.

2. The learned Counsel appearing for the appellant, without prejudice to the rights and contentions of the appellant in the pending Suit and Notice of Motion, tenders an undertaking of Mr.Vijay S. Morye, Additional General Manager of the appellant-Bank. He states that the said undertaking will remain in force till the pending Notice of Motion

is disposed of.

3. The learned Counsel for the respondents states that in view of the aforesaid undertaking, till the disposal of the pending Notice of Motion, the respondents will not prevent the appellant from opening the windows of the suit premises and the planks which are obstructing windows will be removed by them within 24 hours.

4. The undertaking of the appellant is taken on record and marked "X" for identification. The undertaking is accepted. The statements made by the learned Counsel for the respondents which are recorded above are also accepted.

5. In view of the undertaking of the appellant and the aforesaid statements made by the respondents, it is not necessary to pass any ad-interim order pending the Notice of Motion as parties are bound to comply with the aforesaid undertaking and the aforesaid statements.

6. The Appeal is accordingly disposed of. Notice of Motion No.3006 of 2007 shall be disposed of by the Trial Court as expeditiously as possible. It is made clear that all contentions of the parties on merits of

the pending Notice of Motion and pending Suit are expressly kept open.

7. Parties to act upon an authenticated copy of this order.

[ABHAY S. OKA, J.]